

## **Board Regulation CE Topics List**

(Effective November 1, 2015 – October 31, 2016)

ALL COURSES MUST BE DESIGNED FOR AND ADDRESS REAL ESTATE LICENSEE'S RESPONSIBILITY IN THE PROCESS COVERED BY THE TOPIC.

Agency  
Agricultural Issues  
Brokerage Management for Non-Supervising Brokers  
Conflict Resolution  
Consumer Tax Issues (see topics list explanation)  
Contract Law  
Data Security  
Economic Conditions & Issues  
Energy Conservation relating to real estate sales and rental  
Environmental issues relating to real estate sales and rentals  
Escrow, Closing, and Settlement Procedures  
Ethics  
Fair Housing (federal, state, or a combination of both)  
Finance  
Financial Strategies—Non Traditional  
Forms  
How Government/Community Works  
Land Use Planning, Construction and Land Development  
Licensee and Consumer Safety  
Mobile and Other Manufactured Homes  
Montana Licensing Laws and Rules  
Non Residential/Commercial & Multifamily RE (except agriculture)  
Property Inspection Process  
Property Manager Topics (as outlined in the topics list explanations)  
Real Estate law  
Risk Reduction  
Title Insurance  
Trust Accounts for Brokers and Supervising Brokers

**Agency:** Courses approved will provide licensees a more advanced understanding of procedures for designated agency including statutory agency (i.e. duties, duration, termination, types of agency relationships in Montana, disclosure requirement). All agency courses must be specifically compliant with Montana statutes and rules. Montana is not a common law agency state and does not recognize “fiduciary duty”.

**Agricultural Issues:** This topic will educate licensees about issues that are involved in the sale, purchase, exchange, leasing or management of agricultural real estate. This may include the following topics:

- Grazing issue
- Valuation of agricultural property
- Allocation of crop ownership on sale
- Easement issues
- Road issues
- Conservation Easement issues when selling or purchasing properties that include a conservation easement
- Water and irrigation issues
- Wildlife and hunting/fishing access issues

**Brokerage Management for Non-Supervising Brokers:** Courses approved under this topic will address the management requirements for licensed brokers who are NOT supervising other agents. It does not qualify for Supervising Broker CE. Management of files, compliance with laws and regulations, trust accounting and conflict resolution with clients and other brokers can be covered under this topic.

**Conflict Resolution:** Courses approved under this topic will educate licensees about different methods and approaches to legal mediation and arbitration. Courses will include the procedures for BRR disciplinary actions.

**Consumer Tax Issues:** Courses approved under this topic will be specifically aimed at giving licensees a basis for knowing what tax issues may arise for the client in a real estate transaction (i.e. capital gains, 1031 tax issues, deductions, capital improvements, and tax issues with vacation and rental homes. **These courses cannot be designed to encourage the licensee to give tax advice. The courses must stress that real estate licensees do NOT give tax advice. Being informed on the issue can alert licensee that legal advice is needed.**

**Contract Law:** Courses approved under this topic will be specifically aimed at giving licensees an understanding of the legal elements of contracts and their responsibility to their client.

**Data Security:** Courses approved under Data Security will aim to give licensees an understanding of their responsibilities regarding safeguarding consumer information (both verbal and written) (i.e. privacy under MT law, identity theft, social engineering and manipulation, phishing, Red Flag Laws, federal and state regulations, Electronic Signature Act).

**Economic Conditions & Issues:** Courses approved under this topic will be overview courses for 3 hours or less. Course will review state, local and national economic conditions. It can review local and national real estate markets and forecast economic growth/decline and recent trends.

**Energy Conservation relating to real estate sales and rental:** Courses approved under this topic will educate licensees about financial resources, options and standards for various types of energy conservation. It may include insulations, sustainable housing, green building energy and energy audits.

**Environmental issues relating to real estate sales and rentals:** Courses approved under this topic will give licensees necessary information to guide the client through environmental issues that may impact their decision to purchase, sell, exchange, rent or lease a property. This may include radon, weeds, mold, water, smoke, asbestos, lead-based paint, and air quality.

**Escrow, Closing, and Settlement Procedures:** Course approved under this topic will educate licensees about the process encountered during escrow, closing and settlement. This may include earnest money, addendums, judgments, liens, reviewing settlement statements, payoffs, tax probations, and funding.

**Ethics:** Courses approved under Ethics will be aimed at giving licensee information about how to deal ethically with clients and other licensees with situations arising from sale, purchase, exchange, or management of real estate.

**Fair Housing (federal, state, or a combination of both):** Courses approved under Fair Housing will be aimed at giving licensees information about compliance with fair housing laws and regulations (i.e. but not limited to Americans with Disabilities Act, Fair Housing Laws, discriminatory practices, advertising, disclosure). Courses may focus on federal and/or state fair housing laws.

**Finance:** Courses approved under this topic will aim at giving licensees an understanding of the financing process in the purchase, sale, rental or lease of property

(i.e. the **traditional** loan process, **traditional** types of loans, types of interest, financing different types of properties, foreclosures, reverse mortgages, dealing with unlicensed practitioners.

**Financial Strategies—Non Traditional:** Courses approved under this topic will educate licensees about nontraditional financing methods to buy, sell, or lease real estate. These methods require specialized knowledge, and/or skills. This may include the financing of investment properties and special financing and loan programs for specific clients

**Forms:** Courses approved under this topic will give licensees information about real estate related forms and their proper use. This may include selecting the proper form, filling out forms correctly, and legal ramifications of use or nonuse of various forms.

**How Government/Community Works:** Courses approved under this topic will educate licensees about the programs and processes of government that affect real estate. This may include involvement of local government, state government and national government. It can include community resources, legislative processes, and involvement in community.

**Land Use Planning, Construction and Land Development:** Courses approved under this topic will educate licensees about issues arising from Development and construction including planning, infrastructure, regulations, design, subcontractors, permits, zoning subdivision planning ordinances, land descriptions, easements for right of way and irrigation.. This topic does NOT include conservation easements

**Licensee and Consumer Safety:** Courses approved under this topic will educate the licensees about precautions to take when scheduling showings, meeting clients at a vacant property, open house precautions, and maintaining a safe vehicle. **Courses need to address ways to keep the client safe—not just the licensee.**

**Mobile and Other Manufactured Homes:** Courses approved under this topic will educate licensees about properties of mobile/manufactured homes, de-titling a mobile home, issues affecting sale of mobile/manufactured home, and property taxes on mobile homes. It can also include lot rent issues and financing of mobile home purchases.

**Montana Licensing Laws and Rules:** Courses approved under this topic will aim at giving licensees information about current Montana laws, rules, and regulations (i.e.

changes, updates, court updates and case studies, requirements, all disclosure documents needed, consequences of non-compliance).

**Non Residential/Commercial & Multifamily RE (except agriculture):**

Courses approved under this topic will aim at issues relating to the lease or sale of real estate considered non-residential. May include any of the following topics:

- Commercial property evaluation
- Business evaluation/selling a business opportunity. (i.e. value of business name, financial analysis of business records)
- Management of Commercial Property (leasing/maintenance issues)
- Sale and purchase of tenant occupied properties
- Owner/management Agreements
- Fair Housing for Commercial licensees

**Property Inspection Process:** Courses approved under this topic will educate licensees about the need for property inspection, the property inspection process, common pitfalls buyer/seller may encounter with the inspection, interpretation of the inspection report and/or evaluating the validity of the report, qualifications to require of a property inspector, how to make referrals of property inspectors.

**Property Manager Topics (as outlined in the topics list explanations):**

This topic will deal with a variety of issues that property managers face dealing with residential property, which may include the following:

- Trust Accounting for Property Managers;
- Fair Housing compliance with fair housing laws and regulations;
- Landlord/Tenant including rights and duties of landlords and tenants, security deposit laws, mobile home lot rental, access to premises, property maintenance responsibility and liability, notices;
- Resolving tenant conflict issues/neighborhood vs tenant issues;
- Sale & Purchase of tenant occupied property; or
- Owner/Management Agreements

**Real Estate law:** Courses approved under this topic will address legal issues arising from sale, purchase, or management of residential or non-residential real estate. May include, Federal law, State Law, legal updates, and recent court cases affecting real estate issues.

**Risk Reduction:** Courses approved under this topic will address issues of liability of real estate licensees when facilitating purchase, sale, exchange or management of

property. Includes obligations, disclosure, documentation, litigation, complaints, loan fraud, environmental issues.

**Title Insurance:** Courses approved under this topic will educate licensees about the need for title insurance, who is insured, endorsements, exceptions, preliminary title commitments, types of policies obligation to review, fixing problems, the claims process.

**Trust Accounts for Brokers and Supervising Brokers:** Courses approved under the topic of Trust Accounts will give Brokers, and Supervising Brokers information regarding proper record keeping procedures when maintaining a trust account. It will include use of ledgers, earnest money deposits, allowable expenditures, documentation of income, allowable expense and expenditures, personal fund, cite and fines by BRR, handling of complaints from clients. **These courses do not cover property management trust accounting.**